

## Environmental Context of Forestry, Salmon, and CZARA in Oregon

- Oregon's forestry program has not addressed key significant deficiencies over the last 15 years. According to state and federal studies, the problems 1) have caused and continue to cause temperature and sediment impairments and 2) continue to threaten ESA-listed coastal coho.
- There are over 6800 river miles in Oregon's coastal zone area impaired for temperature and sediment. Forestry makes up ~80% of the stream network in western Oregon and is a major contributor to temperature and sediment problems.
- The data from the ODF/DEQ 2002 sufficiency analysis and ODF's Ripstream studies (2002 – 2010) indicate that Oregon's forest practice rules contribute to water quality impairments. The 1995 Tri-State Botkin Report, the 1999 Oregon-Commissioned Independent Multidisciplinary Science Team, and NOAA's Coastal Coho Listing (2008) concluded that current Oregon FPA practices will not restore listed coastal coho populations. Insufficient riparian buffers, roads, and landslides in forestry are primary factors harming salmon.
- Washington and California have adopted forestry rules that address these problems; Oregon has not. Oregon's forestry program remains largely the same as the one in 1998.

## Comparing Oregon, Washington and California General Forest Practices

<b>Table 1. General Forestry Practices on State and Private Lands in Oregon, Washington, and California</b>			
	<b>Oregon</b>	<b>Washington</b>	<b>California</b>
<b>Riparian Buffers</b>			
<b>Small and Medium Fish-Bearing</b>	20-foot no cut; regulatory	50-foot minimum no cut; regulatory	50-150 foot management area; regulatory
<b>Non-Fish Bearing ("Type N")</b>	None	50-foot no cut; regulatory	Variable buffer width determined by consulting forester; regulatory
<b>Herbicide Spray Buffers Non-Fish Bearing ("Type N")</b>			
<b>Non-Fish Bearing ("Type N")</b>	None	50-foot, no spray; regulatory	Variable buffer width by consulting forester for riparian buffer; regulatory
<b>Roads Management</b>			
<b>Road Types</b>	New, Existing; voluntary program, no monitoring, tracking and enforcement	New, Existing, Legacy; regulatory	New, Existing, Legacy; regulatory
<b>Landslides and Water Quality</b>			
<b>Resources Protected</b>	Public safety; regulatory	Public safety, land and water resources; regulatory	Public safety, Land and water resources; regulatory

### Additional Progress Needed

- **General CZARA Guidelines for Approval:** Two ways for states to have an approvable program: 1) *regulatory program*; OR 2) *voluntary approach* with program description, monitoring, tracking, and an enforceable authority to back up program.

### Reasonable Options for Oregon to Get to an Approvable CZARA Program

- **Riparian Buffers**
  - **Medium and Small-Fish Bearing Streams: regulatory program**
    - *Deficiencies: Small no-cut buffer for small and medium fish-bearing streams. Creates temperature, erosion and sediment problems.*
    - *Examples of State Actions Needed: 1) Complete riparian rule by end of 2015 or mid-2016; 2) Rule should cover a broad range of medium and small-fish bearing streams; and 3) Range 80-100' no-cut buffers.*
  - **Small, Non-fish bearing streams: voluntary approach**
    - *Deficiencies: No buffers for non-fish bearing streams. Creates temperature, erosion and sediment problems for salmon spawning areas and downstream habitat.*
    - *Examples of State Actions Needed: 1) Range 50-100' buffers; 2) Monitoring, tracking, and reporting similar to other ODF programs for other tree harvests; and 3) Explore ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented*
- **Roads: voluntary approach**
  - *Deficiencies: Does not include legacy roads. Voluntary program doesn't include monitoring and tracking.*
  - *Examples of State Actions Needed: 1) Use voluntary approach to include legacy roads in road inventory; 2) Develop identification approach for universe of roads, including legacy roads having potential to deliver sediment to streams, 3) Develop ranking and inventory system, 4) Conduct evaluation, problem identification process and schedule for repairing problem roads, 5) Monitor and track voluntary measures. Examples could include those similar to WA's and IDs); 6) Explore ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented*
- **Landslides: voluntary approach**
  - *Examples of State Actions Needed: 1) Measures to protect landslide areas (numerous examples in attachment); 2) Voluntary programs to encourage forestry BMPs to protect high-risk landslide areas and ensure that roads are designed to minimize slope failure risk; 3) Monitor and track voluntary measures. Examples could include those similar to WA's and IDs); 4) Explore ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented*
- **Spray Buffers for Aerial Application of Herbicides on Non-Fish Bearing Streams: voluntary approach**
  - *Deficiencies: No spray buffer*
  - *Examples of State Actions Needed: 1) Adequate riparian protections for non-fish bearing streams may also be sufficient for herbicide spray buffers; OR 1) Revise ODF Notification of Operation form to add a check box for aerial applicators to adhere to FIFRA labels for*

*Deliberative*

*all stream types; 2) Guidelines for voluntary buffer protections for aerial application of herbicides on non-fish bearing streams; 3) Monitor and track voluntary measures using existing pesticide regulations; 4) Explore ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented*

**Note:** EPA and NOAA are still evaluating Oregon's agricultural program in the context of CZARA and public comments. Concerns include lack of specificity in Ag Water Quality Management Action Plan rules, no formal monitoring and tracking, and limited enforcement.

## Deliberative

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- The data from the ODF/DEQ 2002 sufficiency analysis and ODF's Ripstream studies (2002 – 2010) indicate that Oregon's forest practice rules contribute to water quality impairments. The 1995 Tri-State Botkin Report, the 1999 Oregon-Commissioned Independent Multidisciplinary Science Team, the ODF/DEQ 2002 Sufficiency Analysis, ODF's Ripstream Studies (2002 – 2010), and NOAA's Coastal Coho Listing (2008) concluded that current Oregon FPA practices will not restore listed coastal coho populations. Insufficient riparian buffers, roads, and landslides in forestry are primary factors harming salmon.
- Washington and California have adopted forestry rules that address these problems; Oregon has not. Oregon's forestry program remains largely the same as the one in 1998.

**Comment [JL1]:** The ODF studies did not conclude anything about salmon restoration, so I suggest this change.

**Comment [JL2]:** There have been some important improvements regarding roads since 1998.

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**Comment [JL3]:** There are plenty of road rules that are mandatory. The Oregon Plan measures to inventory and upgrade roads are voluntary though and lack tracking/enforcement.

Deliberative

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Reasonable Options for Oregon to Get to an Approvable CZARA Program

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- **Spray Buffers for Aerial Application of Herbicides on Non-Fish Bearing Streams: voluntary approach**
  - *Deficiencies: No spray buffer*
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**Comment [JL4]:** I suppose we have to say this under CZARA but it seems like status quo

*Deliberative*

*all stream types; 2) Guidelines for voluntary buffer protections for aerial application of herbicides on non-fish bearing streams; 3) Monitor and track voluntary measures using existing pesticide regulations; 4) Explore ODF and DEQ general authorities for enforcing changes in critical areas when voluntary measures are not implemented*

**Comment [JL5]:** Same comment

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